

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1684 OF 2025

Salman Mohammad Khan
s/o. Sikandar Hayath Khan. ...Applicant.
V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Aditya Talpade, a/w. Mr. Akash Sable, Prajwal Padole i/b. Mr. Pratik Karande, Advocate for Applicant.

Mr. Rutuj Warick, Advocate for Respondent No. 2.

Mr. Sukanta Karmakar, APP for Respondent/State.

API Meena Mare, Malvani Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd JANUARY, 2026.

P.C. :

1. This Application is preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 against the FIR bearing No. 238 of 2025 registered with Malvani Police Station for offences punishable under Section 64, 62, 74, 351(2), 78 & 75 of Bharatiya Nyaya Sanhita, 2023 and the charge-sheet registered as Sessions Case

No. 288 of 2025 pending on the file of City Civil and Sessions Court, Borivali Division, Dindoshi, Mumbai.

2. Mr. Aditya Talpade, learned Advocate for the Applicant states that the Applicant is present in court. Mr. Rutuj Warick, learned Advocate for the Respondent No. 2 states that the Respondent No. 2 is present in the court. Advocates for the Applicant and the Respondent No. 2 identify their clients who are present in the court. They jointly submit that the dispute between the Applicant and Respondent No. 2 has been resolved with the intervention of the father of the Respondent No. 2. In view of the resolution of the dispute, the Respondent No. 2 in consultation with her father has given no objection for quashing of the criminal proceedings. Mr. Rutuj Warick, tenders affidavit dated 15th January, 2026 affirmed by Respondent No. 2 before Notary Tribhuwannath Sharma alongwith the photo identity card of the Respondent No. 2, same are taken on record and marked as “X” and “X-1” for identification respectively.

3. Respondent No. 2 who is present in court alongwith her father Harishchandra Sharma, states that the affidavit (“X”) is filed by her out of her free will and without any pressure from any person. She states that the contents of the affidavit (“X”) are as per her say. She reiterates her statement in paragraph Nos. 5 and 6 of the affidavit (“X”),

and states that she has no objection for quashing of the proceedings.

4. Mr. Sukanta Karmakar, learned APP for the State submits that in view of the statements made by the Respondent No. 2 in the affidavit ("X") of having amicably resolved the matter with the Applicant, no purpose would be served in continuing with the criminal proceedings. He however, submits that the Applicant and Respondent No. 2 having used the police machinery for settling their dispute, they should pay costs.

5. Mr. Aditya Talpade, learned Advocate for the Applicant on instructions from the Applicant who is present in the court, has volunteered to deposit an amount of Rs. 25,000/- as costs. He again on instructions from Applicant states that the said amount would be deposited in the following account on or before 2nd February, 2026 :

Central Police Welfare Fund
Director General M.S. Mumbai.
Account No: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB0000060

6. Considering the amicable settlement between parties, the statements made by the Respondent No. 2 in her Affidavit ("X"), the nature of dispute and having regards to the judicial pronouncements in

the case of Gian Singh v. State of Punjab¹, Narinder Singh & ors v. State of Madhya Pradesh², Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.³ and Sandeep Singh Thakur Vs. State of Madhya Pradesh & Anr.⁴, there is no impediment if this Petition is allowed. I therefore deem it fit and proper to exercise the power under Section 528 of BNSS and quash the criminal proceedings.

7. Petition is allowed in terms of prayer clauses (a) and (d). Consequently, the FIR No. 238 of 2025 registered with Malvani Police Station and the Charge Sheet bearing No, Sessions Case No. 288 of 2025 pending before the City Civil & Sessions Court, Borivali Division Dindoshi, Mumbai are quashed.

8. List this Application on 2nd February, 2026 for reporting compliance of deposit of amount.

(ASHWIN D. BHOBE, J.)

1(2012) 10 SCC 303
 2 2025 SCC Online SC 466
 3(2017) 9 SCC 641
 42025 SCC OnLine SC 2927.